

HOUSE BILL 507

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HB 585/00 - JUD

2001 Regular Session
11r0648
CF 11r0647

By: **Delegate Vallario (Task Force to Examine Maryland's Crime Victims' Rights Laws) and Delegates R. Baker, Barkley, Boschert, Boutin, Bozman, Brinkley, Bronrott, Brown, Cadden, Cane, Clagett, Cole, Conroy, Conway, Cryor, DeCarlo, Dembrow, Dewberry, Donoghue, Doory, Dypski, Edwards, Finifter, Franchot, Frush, Giannetti, Glassman, Goldwater, Griffith, Grosfeld, Hammen, Harrison, Healey, Hecht, Heller, Hixson, Howard, Hubbard, Hubers, Hurson, Hutchins, Kach, K. Kelly, Klausmeier, Klima, Kopp, La Vay, Linton, Love, Mandel, Marriott, McIntosh, Menes, Mohorovic, Morhaim, O'Donnell, Owings, Parrott, Patterson, Pendergrass, Petzold, Rawlings, Riley, Rosso, Rudolph, Shank, Shriver, Sophocleus, Stern, Stocksdale, Taylor, and Turner**

Introduced and read first time: February 2, 2001
Assigned to: Judiciary

Committee Report: Favorable
House action: Adopted
Read second time: March 13, 2001

CHAPTER _____

1 AN ACT concerning

2 **Victims' Rights - Conditions of Pretrial or Prehearing Release**

3 FOR the purpose of expanding the list of crimes and the circumstances under which
4 certain persons are required to consider certain conditions of release regarding
5 victims before release of an accused individual in criminal and juvenile cases;
6 and generally relating to victims' rights and conditions of pretrial and
7 prehearing release.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 3-815(j)
11 Annotated Code of Maryland
12 (1998 Replacement Volume and 2000 Supplement)
13 (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
14 2001)

1 BY repealing and reenacting, with amendments,
2 Article - Criminal Procedure
3 Section 5-201(a) and 11-203
4 Annotated Code of Maryland
5 (As enacted by Chapter _____(S.B. 1) of the Acts of the General Assembly of
6 2001)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article - Courts and Judicial Proceedings**

10 3-815.

11 (j) (1) If a child is alleged to have committed a delinquent act [that would
12 be stalking under Article 27, § 124 of the Code or would be a felony if committed by an
13 adult], the court or a juvenile intake officer shall consider including, as a condition of
14 releasing the child pending an adjudicatory or disposition hearing, reasonable
15 protections for the safety of the alleged victim.

16 (2) IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR
17 SAFETY, THE COURT OR JUVENILE INTAKE OFFICER SHALL CONSIDER INCLUDING,
18 AS A CONDITION OF RELEASING THE CHILD PENDING AN ADJUDICATORY OR
19 DISPOSITION HEARING, PROVISIONS REGARDING NO CONTACT WITH THE ALLEGED
20 VICTIM OR THE ALLEGED VICTIM'S PREMISES OR PLACE OF EMPLOYMENT.

21 **Article - Criminal Procedure**

22 5-201.

23 (a) (1) [If a defendant is charged with stalking under Article 27, § 124 of the
24 Code or with a felony, the] THE court or a District Court commissioner shall consider
25 including, as a condition of pretrial release FOR A DEFENDANT, reasonable
26 protections for the safety of the alleged victim.

27 (2) IF A VICTIM HAS REQUESTED REASONABLE PROTECTIONS FOR
28 SAFETY, THE COURT OR A DISTRICT COURT COMMISSIONER SHALL CONSIDER
29 INCLUDING, AS A CONDITION OF PRETRIAL RELEASE, PROVISIONS REGARDING NO
30 CONTACT WITH THE ALLEGED VICTIM OR THE ALLEGED VICTIM'S PREMISES OR
31 PLACE OF EMPLOYMENT.

32 11-203.

33 As provided under § 5-201 of this article AND § 3-815 OF THE COURTS ARTICLE,
34 the court, a juvenile intake officer, or a District Court commissioner shall consider
35 [the]:

36 (1) THE safety of the alleged victim in setting conditions of:

1 [(1)] (I) the pretrial release of a defendant [charged with stalking or a
2 felony]; or

3 [(2)] (II) the prehearing release of a child respondent who is alleged to
4 have committed a delinquent act [that would be stalking or a felony if committed by
5 an adult]; AND

6 (2) A CONDITION OF NO CONTACT WITH THE ALLEGED VICTIM OR THE
7 ALLEGED VICTIM'S PREMISES OR PLACE OF EMPLOYMENT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.